IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19729 of 2004

Between:

P. Eswara Nagamani, W/o. Late P. Ramu,
R/o. Gajapathinagaram, Vizianagaram District.

..... PETITIONER

AND

1 The Prl. Secretary to Govt., Housing Dept., Secretariat, Hyderabad.
2 The Managing Director, A.P. State Housing Corporation Ltd., Hyderabad.
3 The District Manager (H), Vizianagaram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents herein to appoint the writ petitioner as Attender or in any other suitable or equivalent post by declaring the impugned inaction as illegal, arbitrary and violative of rights guaranteed under Article 14, 16 and 21 of the Constitution of India and pass such other order or orders as the Hon'ble Court may deem think fit and proper.

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondents: GP FOR HOUSING

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner claims that she is the wife of a deceased employee by name P.Ramu who worked in the respondent-Corporation and he died while in service on 23-05-1999. She subsequently made an application for compassionate appointment. The 2nd respondent addressed a letter to her on 21-12-1999 informing that they addressed to Government for relaxing the minimum educational qualifications, as she failed VII Class which is the minimum required qualification for the post of an Attender. Subsequently, the petitioner did not receive any communication regarding her appointment. Therefore, she made representations on 26-06-2000 and on 18-03-2001, but, no orders have been passed. She further contends that she appeared for VII Class common examination and she passed the said examination and she was issued a pass certificate on 26-05-2001 after passing the VII Class examination. The petitioner, therefore, approached this Court seeking a direction to the respondents to appoint her as an Attender or any other suitable post on compassionate grounds. The 2nd and 3rd respondents passed the earlier orders on the assumption of the petitioner did not possess the VII Class qualification to consider her case for compassionate appointment. But, since the petitioner is contending that she passed VII Class common examination conducted in April-2001 under register No.51431 and she obtained a pass certificate on 26-05-2001. In view of the petitioner's contention that she acquired VII Class qualification and that there is no need for the 2nd and 3rd respondents to address the Government seeking relaxation of educational qualifications. The 2nd and 3rd respondents are, therefore, directed to once again examine the case of the petitioner in the light of her contention that she passed VII Class examination and pass appropriate orders on her application for compassionate appointment on account of the demise of her husband in the year 1999 after considering the rules applicable to her.

Accordingly, the writ petition is disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 28th October, 2004.

*TSNR

TO

1 The Prl. Secretary to Govt., Housing Dept., Secretariat, Hyderabad.
2 The Managing Director, A.P. State Housing Corporation Ltd., Hyderabad.
3 The District Manager (H), Vizianagaram, Vizianagaram District.

4. Two C.Cs to G.P for Housing, High Court Buildings, High Court of A.P.Hyderabad (OUT)

4. Two C.D.Copies.